

Senate Judiciary Committee Amendment No. 1 (Person)

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 3089*

House Bill No. 2875

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding in Section 3 after the word "incest" the following punctuation and language:

“, or severe child abuse as defined at 37-1-102;”.

AND FURTHER AMEND by deleting in Section 4 the words “Permissive initiation of termination” and by substituting instead the words “Initiation of termination”.

AND FURTHER AMEND by deleting in Section 8 the following language and punctuation: “(h) Mandatory initiation of termination of parental or guardianship rights shall be based upon any of the following grounds:” and by re-designating the remaining subsections appropriately.

AND FURTHER AMEND Section 8, subsection (h)(1) by deleting the subsection in its entirety and by substituting instead the following language and punctuation:

(h)(1) The department shall file a petition to terminate the parental rights of the child’s parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, under the following circumstances:

(A) in the case of a child who has been in foster care under the responsibility of the department for fifteen (15) of the most recent twenty-two (22) months; or

(B) if a court of competent jurisdiction has determined a child to be an abandoned infant as defined at Section 3 of this act; or

(C) if a court of competent jurisdiction has made a determination in a criminal or civil proceeding that the parent has committed murder of any sibling or half-sibling of the child who is the subject of the petition or any other child

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residing temporarily or permanently in the home, committed voluntary manslaughter of another such child, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter of the child that is the subject of the petition or any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home, or committed a felony assault that has resulted in serious bodily injury or severe child abuse as defined at T.C.A. §37-1-102 to the child that is the subject of the petition or any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home. For the purposes of this subsection, such a determination shall be made by a jury or trial court judge designated by T.C.A. §16-2-502 through an explicit finding, or by such equivalent courts of other states or of the United States; or

(D) if a juvenile court has made a finding of severe child abuse as defined at T.C.A. §37-1-102.

AND FURTHER AMEND by adding in Section 8 under subsection (h)(2) the words “under T.C.A. §37-1-166” after the word “efforts” and before the word “to” in the ninth line of subsection (h)(2).

AND FURTHER AMEND by deleting Section 12, subsection (g)(4) in its entirety and by substituting instead the following language:

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(4) Reasonable efforts of the type described in subparagraph (2) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that:

(A) the parent has subjected the child that is the subject of the petition or any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home to aggravated circumstances as defined in Section 3 of this act;

(B) as set out in Section of this act, the parent has:

(i) committed murder of any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home;

(ii) committed voluntary manslaughter of any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home;

(iii) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter of the child or any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home; or

(iv) committed a felony assault that results in serious bodily injury to the child or any sibling or half-sibling of the child who is the subject of the petition or any other child residing temporarily or permanently in the home; or

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(C) the parental rights of the parent to a sibling or half-sibling have been terminated involuntarily;

AND FURTHER AMEND by deleting Section 13 in its entirety and re-numbering the remaining sections accordingly.

AND FURTHER AMEND by deleting Section 16 in its entirety and by substituting instead the following language:

SECTION 16. Tennessee Code Annotated, Section 37-2-403(a)(2)(A), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) The permanency plan for any child in foster care shall include: a statement of responsibilities between the parents, the agency and the caseworker of such agency. Such statement shall include the responsibilities of each party in specific terms and shall be reasonably related to the achievement of the goal specified in subdivision (a)(1). The statement shall include the definitions of abandonment and abandonment of an infant contained in §36-1-102 and the criteria and procedures for termination of parental rights. Each party shall sign the statement and be given a copy of it. The court must review the proposed plan, make any necessary modifications and ratify or approve the plan within sixty (60) days of the foster care placement. The department of children's services shall, by rules promulgated pursuant to the Uniform Administrative

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Procedures Act, compiled in title 4, chapter 5, part 2, determine the required elements or contents of the permanency plan.

AND FURTHER AMEND by deleting Section 17 in its entirety and re-number the remaining sections accordingly.

AND FURTHER AMEND by deleting Section 24 in its entirety and by substituting instead the following language:

SECTION 24. Tennessee Code Annotated, Title 37, Chapter 2, Part 4 is amended by adding the following language as a new, appropriately designated section:

The department shall notify the foster parents (if any) or any prospective adoptive parent or relative providing care for the child with notice of any review or hearing to be held with respect to the child. The foster parents (if any) of a child and any prospective adoptive parent or relative providing care for the child shall be provided with an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, prospective adoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.

AND FURTHER AMEND by deleting Section 25 in its entirety and by substituting instead the following language:

SECTION 25. Tennessee Code Annotated, Section 37-3-601, is amended by deleting the section in its entirety and by substituting instead the following language:

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This part shall be known and may be cited as the "Safe Families and Family Preservation Act". The family support services and time-limited family reunification services authorized pursuant to the provisions of this act shall be subject to the funds appropriated to the department by the Tennessee General Assembly.

AND FURTHER AMEND by deleting in Section 28 the language "the chair of the general welfare committee of the house of representatives" and by substituting instead the language "the chair of the committee on child and family affairs of the house of representatives".

AND FURTHER AMEND by deleting Section 29 in its entirety and by substituting instead the following language:

SECTION 29. Tennessee Code Annotated, Section 37-3-605, is amended by adding the following language at the end of the section: "Effective July 1, 1998, the department of children's services shall have sole responsibility for implementing this part."

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